



Chesterfield County, Virginia

Memorandum

DATE: AUGUST 28, 2003

TO: CHESTERFIELD COUNTY PLANNING COMMISSION

FROM: THOMAS E. JACOBSON, DIRECTOR OF PLANNING *Tom*

SUBJECT: SPECIAL EXCEPTION/CONDITIONAL USE ORDINANCE – SEPTEMBER 16, 2003, WORK SESSION

On August 19, 2003, the Planning Commission held a public hearing on the enclosed matter. The public hearing was closed. The Commission deferred action on their recommendation to September 16, 2003.

BACKGROUND

On April 9, 2003, the Board of Supervisors directed staff to review the current Ordinance to determine those Special Exceptions which are of such scale and land use impact that they would more appropriately be reviewed by the Planning Commission and Board of Supervisors through the Conditional Use process.

From FY00 through FY03, the Board of Zoning Appeals will have considered ninety-six (96) Special Exceptions on property zoned residential or agricultural. These Special Exceptions cover a wide range of uses as noted in the attached table titled "Special Exceptions – R and A Zoning Districts." In staff's opinion, approximately two-thirds (2/3) of those requests were for uses that have the potential of significantly impacting surrounding neighborhoods.

The largest volume of Special Exceptions was for businesses operated from the home. These businesses can be operated out of the home, in an accessory building or outdoors. The Zoning Ordinance does not restrict the type of business permitted by Special Exceptions provided the owner or operator of the business lives on the property. Therefore, these businesses ranged from one (1) chair beauty shops to accountants, dentists, various construction trades, wrecker services, exterminators, bed and breakfasts, public meeting places, various vehicle repair services, cabinet shops, etc. In staff's opinion, the business with the least impact on surrounding neighborhoods is one (1) chair beauty shops.

The attached draft Ordinances would reclassify most Special Exceptions to Conditional Uses. Ordinance Exhibit A would require that one (1) chair beauty shops and private kennels obtain Conditional Use permits, while Ordinance Exhibit B would allow such uses by Special Exception. The effect of both Ordinances is to essentially eliminate the ability to obtain a Special Exception in any residential district and to require that those uses obtain a Conditional Use. The

Memo – CPC Special Exceptions to Conditional Uses

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one (1) exception would be if the Commission and Board decide to continue to allow one (1) chair beauty shops from the home and private kennels as Special Exceptions (Ordinance Exhibit B). If this amendment is adopted, individuals who wish to renew a Special Exception or amend conditions of a Special Exception would make an application for a Conditional Use.

Had the changes outlined in Ordinance Exhibit A been in force from FY00 through FY03, approximately eighty (80) cases would have been removed from the Board of Zoning Appeals workload and added to the Planning Commission and Board of Supervisors caseload. Since these requests are frequently in residential areas and can generate considerable neighborhood interest, the workload for zoning staff, the Planning Commission and Board of Supervisors is expected to increase. If adopted staff will monitor the workload impact. Should it be determined at a later date to have had a significant impact on staff workload may seek funding for additional staff or other resources may be sought.

Should you have any questions, please contact me or Beverly Rogers.

Attachments (3)

Special Exceptions - R and A zoning districts - FY00–03

Category of Special Exception	Cases
Nonprofit legal service facilities	0
Nonprofit civic, social and fraternal clubs and lodges	3
Cemeteries and graveyards	0
Rescue squads and fire stations.	4
Government buildings	0
Greenhouses, hothouses and plant nurseries	4
Business from the home*...one chair beauty shop	6
Business from the home*...all other	49
Mobile home...residence uninhabitable by fire or act of God	0
Yard sales which exceed two days in duration	0
Kennel, private	14
Temporary manufactured or mobile homes	15
Stock or dairy farms on less than three acres	1
Total requests	96

*** Business may be inside any building or outside on the lot or parcel**

Special Exception Conversion Chart

Current – all special exceptions	Proposed
Nonprofit legal service facilities	Conditional Use
Nonprofit civic, social and fraternal clubs and lodges	Conditional Use
Cemeteries and graveyards	Conditional Use
Rescue squads and fire stations.	Conditional Use
Government buildings	Conditional Use
Greenhouses, hothouses and plant nurseries	Conditional Use
Business from the home...one chair beauty shop	Conditional Use or Special Exception
Business from the home*...all other	Conditional Use
Mobile home...residence uninhabitable by fire or act of God	Manufactured Home Permit
Yard sales which exceed two days in duration	Conditional Use
Kennel, private	Conditional Use or Special Exception
Temporary manufactured or mobile homes	Special Exception
Stock or dairy farms on less than three acres	Conditional Use

*** Business may be inside any building or outside on the lot or parcel**

Exhibit A
2623:62222.1
Revised 07/25/03 9:48 AM

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND
RE-ENACTING SECTIONS 19-65, 19-66, 19-67, 19-68 AND 19-124 AND
ADDING SECTIONS 19-68.1, 19-73.1, 19-78.1, 19-83.1, 19-88.1 AND 19-93.1
RELATING TO SPECIAL EXCEPTIONS AND CONDITIONAL
USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) *That Sections 19-65, 19-66, 19-67, 19-68, and 19-124 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted and Sections 19-68.1, 19-73.1, 19-78.1, 19-83.1, 19-88.1 and 19-93.1 are added to read as follows:*

Article III. Districts

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Division 4. R-88 Residential District

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Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(c) Yard sales, as accessory to a principal use, provided that they do not exceed two days in duration.

Sec. 19-66. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

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(g) ~~Yard sales.~~

- (h) (g) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

Sec. 19-67. Conditional uses.

The following uses may be allowed by conditional use in the R-88 District, subject to the provisions of section 19-13:

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- (o) Provided the owner or operator of the business resides on the premises, a business operated on a lot or parcel inside or outside of a dwelling unit or accessory building, but not to include massage clinics, certified massage therapists or one chair beauty shops.
- (p) Provided the owner or operator of the business resides on the premises, one chair beauty shops on a lot or parcel inside of a dwelling unit or accessory building.
- (q) Nonprofit legal service facilities.
- (r) Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.
- (s) Cemeteries and graveyards.
- (t) Emergency rescue squad and fire station buildings and grounds.
- (u) Government buildings.
- (v) Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.
- (w) Kennel, private.
- (h) (x) Subject to the following requirements other uses that are not specifically enumerated in this chapter and that are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on

neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

Sec. 19-68. Special exceptions.

The following uses may be allowed by special exception, subject to the provisions of section 19-21: None.

- (a) ~~Nonprofit legal service facilities.~~
- (b) ~~Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.~~
- (c) ~~Cemeteries and graveyards.~~
- (d) ~~Emergency rescue squad and fire station buildings and grounds.~~
- (e) ~~Government buildings.~~
- (f) ~~Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.~~
- (g) ~~A business operated on a lot or parcel inside or outside of a dwelling unit or accessory building and not a home occupation, not to include a massage clinic and certified massage therapist; provided that the owner or operator of the business resides on the premises.~~
- (h) ~~A mobile home located for a period not to exceed nine months; provided that the location of such mobile home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or act of God.~~
- (i) ~~Yard sales which exceed two days in duration.~~
- (j) ~~Kennel, private.~~

Sec. 19-68.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 5. R-40 Residential District

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Sec. 19-73.1. Manufactured Home Permit

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 6. R-25 Residential District

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Sec. 19-78.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 7. R-15 Residential District

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Sec. 19-83.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 8. R-12 Residential District

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Sec. 19-88.1 Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 9. R-9 Residential District

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Sec. 19-93.1 Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 15. A Agricultural District

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Sec. 19-124. Uses permitted with certain restrictions.

~~(a) The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by special exception, subject to the provisions of section 19-21(e).~~

~~(1) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has not less than three acres.~~

(b) The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(3) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(2) *That this ordinance shall become effective immediately upon adoption provided, however, that the ordinance shall not apply to any application for special exception or conditional use filed prior to the date of adoption.*

AN ORDINANCE TO AMEND THE CODE OF THE COUNTY
OF CHESTERFIELD, 1997, AS AMENDED, BY AMENDING AND
RE-ENACTING SECTIONS 19-65, 19-66, 19-67, 19-68 AND 19-124 AND
ADDING SECTIONS 19-68.1, 19-73.1, 19-78.1, 19-83.1, 19-88.1 AND 19-93.1
RELATING TO SPECIAL EXCEPTIONS AND CONDITIONAL
USES IN RESIDENTIAL AND AGRICULTURAL DISTRICTS

BE IT ORDAINED by the Board of Supervisors of Chesterfield County:

(1) That Sections 19-65, 19-66, 19-67, 19-68, and 19-124 of the Code of the County of Chesterfield, 1997, as amended, are amended and re-enacted and Sections 19-68.1, 19-73.1, 19-78.1, 19-83.1, 19-88.1 and 19-93.1 are added to read as follows:

Article III. Districts

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Division 4. R-88 Residential District

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Sec. 19-65. Uses permitted with certain restrictions.

The following uses shall be permitted in the R-88 District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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(c) Yard sales, as accessory to a principal use, provided that they do not exceed two days in duration.

Sec. 19-66. Accessory uses, buildings and structures.

The following accessory uses, buildings and structures shall be permitted in the R-88 District:

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~~(g) Yard sales.~~

- (h) (g) Other accessory uses, buildings and structures not otherwise prohibited, customarily accessory and incidental to any permitted use.

Sec. 19-67. Conditional uses.

The following uses may be allowed by conditional use in the R-88 District, subject to the provisions of section 19-13:

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- (o) Provided the owner or operator of the business resides on the premises, a business operated on a lot or parcel inside or outside of a dwelling unit or accessory building, but not to include massage clinics, certified massage therapists or one chair beauty shops.
- (p) Nonprofit legal service facilities.
- (q) Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.
- (r) Cemeteries and graveyards.
- (s) Emergency rescue squad and fire station buildings and grounds.
- (t) Government buildings.
- (u) Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.
- (v) Subject to the following requirements other uses that are not specifically enumerated in this chapter and that are of the same general character as the specifically enumerated uses allowed in this district. Before the planning commission and board of supervisors hear an application pursuant to this subsection, the director of planning shall consider, among other things, the following: the size and proposed configuration of the site; the size, height and exterior architectural appearance of any proposed structure or structures; noise; light; glare; odors; dust; outdoor activities; traffic; parking; signage; and hours of operation. Based on these considerations, he shall determine that the proposed use's operating characteristics are substantially similar to, and its impact on neighboring properties no greater than, the operating characteristics and impacts of the specifically enumerated uses allowed in this district.

Sec. 19-68. Special exceptions.

The following uses may be allowed by special exception, subject to the provisions of section 19-21:

- (a) ~~Nonprofit legal service facilities.~~ Provided the owner or operator of the business resides on the premises, one chair beauty shops on a lot or parcel inside of a dwelling unit or accessory building.
- (b) ~~Nonprofit civic, social and fraternal clubs and lodges; nothing in this subsection shall be construed to include fraternities or sororities operating in conjunction with any public or private school or college.~~ Kennel, private.
- (c) ~~Cemeteries and graveyards.~~
- (d) ~~Emergency rescue squad and fire station buildings and grounds.~~
- (e) ~~Government buildings.~~
- (f) ~~Greenhouses, hothouses and plant nurseries at which their products are sold or offered for sale.~~
- (g) ~~A business operated on a lot or parcel inside or outside of a dwelling unit or accessory building and not a home occupation, not to include a massage clinic and certified massage therapist; provided that the owner or operator of the business resides on the premises.~~
- (h) ~~A mobile home located for a period not to exceed nine months; provided that the location of such mobile home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or act of God.~~
- (i) ~~Yard sales which exceed two days in duration.~~
- (j) ~~Kennel, private.~~

Sec. 19-68.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 5. R-40 Residential District

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Sec. 19-73.1. Manufactured Home Permit

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 6. R-25 Residential District

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Sec. 19-78.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 7. R-15 Residential District

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Sec. 19-83.1. Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 8. R-12 Residential District

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Sec. 19-88.1 Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 9. R-9 Residential District

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Sec. 19-93.1 Manufactured Home Permit.

The Board of Supervisors may grant a permit with or without conditions for a temporary manufactured home provided the manufactured home is necessary because the principal residence located on the premises has been rendered uninhabitable by fire or Act of God. Such manufactured home need not meet the required conditions of the district as deemed appropriate by the Board of Supervisors at the time the permit is granted.

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Division 15. A Agricultural District

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Sec. 19-124. Uses permitted with certain restrictions.

~~(a) — The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If these restrictions cannot be met, these uses may be allowed by special exception, subject to the provisions of section 19-21(e).~~

~~(1) — Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has not less than three acres.~~

(b) The following uses shall be permitted in the A District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to section 19-13:

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- (3) Stock or dairy farms, including all buildings and structures necessary to such use and the keeping, storage or operation of any vehicle or machinery necessary to such use, provided that the lot or parcel has at least three acres.

(2) *That this ordinance shall become effective immediately upon adoption provided, however, that the ordinance shall not apply to any application for special exception or conditional use filed prior to the date of adoption.*